

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 1, 1955

10:00 A. M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll Call:

Present: Councilmen Long, Palmer, White, Mayor Miller
Absent: Councilman Pearson

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by MR. GEORGE W. MARSHFIELD, Unitarian Church of Austin.

Councilman White moved that the Minutes of November 23, 1955, be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor welcomed members of the DEMOLAYS, acting as City Officials for the day, and introduced the following: Mayor, Ronald Rogers, City Councilmen, Bill Stoermer, Bill Day, Betty Nichols and J. T. Powell; City Manager, Edward Sasse; City Clerk, Billy McCaleb; City Attorney, Graham Howell, Assistant City Attorney, Albert Derden; Director of Public Works, Joe Wells; Assistant Director of Public Works, Jay Caldwell; Traffic Engineer, Bob Johnson; City Health Officer, Randy Spillar; Judge of Corporation Court, Robert Falls; Hospital Administrator, Calvin Baker; Police Chief, Garry Craig; Policemen; True Ward, Bruce Knierim, Don Gartman, Bill Hill, Joe Cheavans, Amor Forwood, Jeff Thompson, Ronny Day, Wayne Huffman, Ronny Schultz, Walter May and David Ginsberg; Fire Chief, Larry Bales; Firemen, Elwood Munson, Guy Matthews, Bud Rudder, Neal McKinney, James Amis and Robert Clark; Fire Marshals, Dick Chote, Wardlow Lane, Franklin Rude, Benny Wier, Bill Gerrard, Larry Nobles and Walter Buell; Director of Abattoir, Bill Coates; Assistants, Joe Evans, Walter Beeson, Jimmy Johnson, Mills Eaves and Bob Fitzgerald.

MR. AMOS HEROLD read the following letter:

"1209 West 8th Street,
Austin 3, Texas,
November 30, 1955.

"The Austin City Council,
Municipal Building,
Austin, Texas.

"My dear Sirs:

"In reporting to you upon the success of my campaign last June for more and better seats in the Municipal Auditorium, I wish first to tell why I became interested in its problems and studied them for six weeks before making any proposals, using for technical references a recent, authoritative, 4-volumes work, Hamlin's Forms and Functions of 20th Century Architecture, prepared and published by Columbia University. I wish to dispel any impression that my proposals were only casual suggestions that crossed my mind the night before. Instead, I can assure you that I studied carefully the following topics that loom large in planning a civic auditorium:

"1. The somewhat conflicting requirements between theater and auditorium and the current demands for each. 2. The proper proportion of floor space to be allotted for seats and for lobby with rest rooms. 3. The proper co-ordination of stage with auditorium. 4. The requirements for seats, which are comfort and good seeing and hearing lines.

"To summarize, I found that the old theater with traveling actors has been largely supplanted by the movie, radio, and television, as I reported to you last June. I learned that lobby space in the auditorium had an excess of about 15,000 square feet. My campaign was intended to transform about half of this misused space into seating areas for 1,000 persons. My study of the co-ordination of stage and auditorium led to my discovery of the answer to the auditorium's \$96,000 question, which was the chief reason for my campaign. With the old Greeks I could exclaim "Eureka!"--I have found it! I was certain that my answer would produce substantial results, because sound technical knowledge is all-important in every complex undertaking.

"My interest in the economy of the auditorium was only an example of my interest in government, taxation, economy, and efficiency in all our affairs, private and public. My general knowledge of theaters and auditoriums in the United States and Europe was so extensive that I could readily detect merits and defects in the plans. My study was to find and analyze the facts as a basis for constructive proposals.

"Now, the \$96,000 question on the plans for the auditorium, which might have been asked on a quiz program in architecture, was the following: "What single change in the plans for the auditorium will move all seats a few yards nearer the stage, will widen and shorten the neck of the hall by several yards, and will salvage several hundred seats worth \$96,000?"

"Free of architectural inhibitions and superstitions, I was able to answer this complex question, which the planners and visiting experts were either unaware of or unable to answer.

"My reply was simply: MOVE THE CENTER OF THE STAGE FORWARD 12 to 16 FEET. I take pride in this answer, because this simple change in the stage pattern solved several architectural problems and because their solution is easily worth \$5,000 or \$6,000. The fact that I discovered and owned this magical key to the problems was a chief reason why I placed a five per-cent fee on the value of the seats that might be recovered or salvaged as a condition of my releasing my proposals and know-how to the architects, payable, of course, by the city beneficiary.

"With these facts in mind, on last June 2, 1955, I appeared before the Council and pointed out several defects in the auditorium plans: That much floor space was being misused or wasted; that the seats were too small and the number was 426 below the bond-issue goal of 7,500; and that the neck of the hall was excessively long (96 feet) and very narrow for so large a hall. As an opening maneuver for getting a reconsideration of the plans, I proposed an alternative plan with one large and one small building so placed as to be convertible into a single unit with a seating capacity of 10,000 persons. These views were publicized and tended to put the planners on the defensive.

"On June 9, after an intensive study of the problems, I again addressed the Council in the morning and both the Council and the architects in the afternoon, calling for more economical use of all available space for seats and, if possible, the widening of the auditorium by 16 feet.

"During the noon hour, in a special meeting with the Council, I carefully explained to them my proposals as shown on a sketch. My most valuable key point was to move the center of the stage forward so as to release some 2,000 or 3,000 square feet of excellent seating space along the neck of the hall. I then offered to release my technical know-how, proposals, and sketch for salvaging seats to the architects PROVIDED the city would pay me a five per-cent commission on the value of the seats that might be salvaged. Mayor Miller, being pleased with the prospect of more seats and a large saving of funds, observed that I could be classified as technical consultant in receiving commission payments. Both the Council members and I seemed to be satisfied with the terms of this informal agreement.

"That afternoon in keeping with this definite understanding between the Council and myself, the members of the Council by a unanimous vote instructed (as shown in the Council records) the architects to proceed and to consider my suggestions or proposals and thus officially recognized and confirmed our previous agreement.

"With the financial arrangements in clear and definite shape, as I confidently supposed, in keeping my part of the agreement, I did release my magical key know-how, proposals, and sketch to the architects. In two conferences with them I carefully explained my proposals, showing pictures of three excellent or ideal plans.

"During the summer, as you know, the architects did rework their plans, and on the whole they showed a receptive spirit to my proposals. As I had recommended, they did move the center of the stage ten feet toward the seats. This key change with one adjustment at the wall widened the front of the hall from 60 to 80 feet and along the sides of the hall neck for about 80 feet released enough space for 260 seats near the stage. In the balcony 220 more seats were added, making a total of 480 salvaged seats and bringing the auditorium

total to 7,554 seats, as originally planned.

"At the price of \$370 apiece the 480 salvaged seats bring the city's savings to the substantial amount of \$177,600, which is equal to ten per-cent of the last auditorium bond issue or the income from the city's parking meters for one whole year. If the improvements within the auditorium, such as the shortened and widened neck and the bringing of all seats and the stage ten or twelve feet closer together, be reckoned at a low mark of \$50,000, then my campaign, with the active interest and support of the Council, rendered services to the city of Austin worth more than \$200,000, most of which seemed destined to be misused or wasted.

"I doubt whether you could have found in Austin anyone else who would have consented to undertake and carry through such a complicated and difficult task. Had I just shut my eyes, gone home, and declined this opportunity in economy, the prospects were that the city would lose about ten per-cent of the auditorium funds in potential but captive or unavailable seat spaces. I know positively that outside architects were averse to even thinking or talking about this business. The opportunity was a test of one's courage and stamina, and thus far my work has received no consideration by the Council.

"When a sensible business man is in danger of losing or wasting so much property or money through some legal tangle or doubtful title, he is fortunate to find an attorney with the legal or financial skill and knowledge to save or salvage the property, and the owner will gladly pay a substantial fee for the valuable services. Likewise, in this difficult, planning, and seat-salvaging operation, I performed for the Council a similar service and naturally I expect similar treatment. Our agreement was made and observed in good faith by both parties with more than a \$200,000 benefit to the city, and it is fitting that the business should be concluded in the same spirit by both parties. The fee is \$8,880.

"As a safeguard against any question of minor or marginal details, I think I should be willing from my fee to make a small donation to the auditorium funds, even though the city is already the 95 per-cent beneficiary of the salvaged operation. Everyone must look to his own living, for no one can answer the \$96,000 questions on a bread and water diet.

"At your early convenience, I request a satisfactory settlement in keeping with the city's reputation for fair and friendly dealings with its citizens.

"Very cordially yours,
(Sgd) Amos L. Herold
Amos L. Herold"

He considered that the Council accepted this informal agreement of a five-per-cent commission on the value of the seats that might be salvaged and he requested the payment of a fee of \$8,880. The Mayor explained that the City Council had selected a firm of Architects to draw the plans for the Auditorium and a number of persons had made suggestions. The Council did not consider it had entered into an agreement with Mr. Herold and the City could not pay the fee, if the Architects want to pay him that is up to them.

At the request of Mr. William B. Ransom, the Council postponed the following zoning hearing until next week and instructed the City Clerk to send out notices:

P. O. BROWN

5808-10 Woodrow Avenue
1401-03 Koenig Lane

From "A" 1st
To "LR" 6th

Mayor Miller brought up the following ordinance for its second reading:

AN ORDINANCE WITH RESPECT TO THE PETITION OF SOUTHERN UNION GAS COMPANY FOR AN INCREASE IN ITS RATES FOR NATURAL GAS SERVICE IN THE CITY OF AUSTIN; DETERMINING AND FIXING MAXIMUM RATES TO BE CHARGED BY SUCH COMPANY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN; MAKING IT UNLAWFUL FOR SOUTHERN UNION GAS COMPANY, OR ANY OTHER PERSON, FIRM, CORPORATION, RECEIVER OR LESSEE OPERATING A GAS DISTRIBUTION SYSTEM, OR ENGAGED IN THE BUSINESS OF FURNISHING NATURAL GAS SERVICE IN THE CITY OF AUSTIN, OR ANY OFFICER, AGENT, REPRESENTATIVE OR EMPLOYEE THEREOF TO DEMAND, EXACT OR COLLECT FROM ANY COMSUMER ANY CHARGE FOR NATURAL GAS IN EXCESS OF THE RATES FIXED HEREIN; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE OF NOT LESS THAN \$50.00 NOR MORE THAN \$200.00 FOR EACH OFFENSE; REPEALING THE GAS RATE ORDINANCE PASSED AND APPROVED DECEMBER 6, 1951: REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, BUT ONLY INSOFAR AS THE SAME MAY BE IN CONFLICT.

The ordinance was read the second time and Councilman White moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Palmer, White, Mayor Miller
Noes: Councilman Long
Absent: Councilman Pearson

The Council had before it a contract with Southern Union Gas Company for supply of natural gas at the Municipal Electric Power Plant. Councilman Long stated she had objections to the contract in regards to the franchise taxes. She stated the city would pay United cost plus United taxes plus 5.25¢ plus 10% plus Southern Union taxes plus franchise taxes and she objected to 10% plus Southern Union taxes. The Mayor stated the City had hoped to get a ceiling price but Southern Union wanted an escalation price with 10% profit. He stated he would like to take as much as he could for the people of Austin and get the gas as cheap as possible. The Mayor stated that it was not the intention of the Council to pass the contract today, that it would have to be studied carefully and would like to have two more weeks. This was agreeable to the representatives of the Southern Union Gas Company.

Mayor Miller brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 6.64 ACRES OF LAND, SAME BEING OUT OF AND A PART OF BLOCKS 1 AND 2, AND A PORTION OF PATTON AVENUE, ALL OF BERGSTROM DOWNS NO. 1, A SUBDIVISION OF A PORTION OF THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH JOHN CANNIZZO; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer,

carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CERTAIN CONTRACT WITH R. MAX BROOKS; PROVIDING
FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF
AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, C. Leyton Willis has heretofore performed professional engineering services for the City of Austin in connection with the expansion program at Robert Mueller Municipal Airport in cooperation with the Civil Aeronautics Administration; and

WHEREAS, the City of Austin desires to obtain the necessary specifications and drawings to be submitted to the Civil Aeronautics Administration for its approval of an addition to the work under the present grant agreement to cover

necessary strengthening and reconstruction of the northwest-southeast runway; and,

WHEREAS, the City of Austin desires to obtain the services of C. Leyton Willis to prepare working drawings, proposal sheets for bidding, and specifications necessary to complete the construction of the second phase and remainder of the Airport Expansion Program; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized on behalf of the City of Austin to execute contracts with C. Leyton Willis and Associates for the accomplishment of these objectives.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin is the owner of certain easement rights adjacent to a portion of Bergstrom Air Force Base and is maintaining a 12.5 KV electric distribution line thereon; and,

WHEREAS, in expanding and improving said Bergstrom Air Force Base, the United States of America, acting through the Corps of Engineers, United States Army, has requested the City of Austin to remove and rebuild a portion of said 12.5 KV electric distribution line in another location at the Government's expense, so as to eliminate a potential hazard to the safe operation of said Base; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a contract on behalf of the City of Austin with the United States of America for the relocation of a power line near Bergstrom Air Force Base in Travis County, Texas, in accordance with the terms and provisions of Contract No. DA-41-443-eng-4714, as exhibited to the City Council by the City Manager; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to place and keep an executed copy of said Contract No. DA-41-443-eng-4714, in the permanent files of the City Clerk's office.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT ON FIVE ADJOINING TRACTS OF LAND, LOCALLY KNOWN AS 2410-20 RIO GRANDE STREET AND 701-703 WEST 25TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Nees: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Nees: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Nees: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

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OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT ON A TRACT OF LAND LOCALLY KNOWN AS 3717 EAST AVENUE AND 1101-03 EAST 338-1/2 STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

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Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

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Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

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Mayor Miller introduced the following ordinance:

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IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the alteration of a building located at 700 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 1, Block 83, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the north east corner of the above described property; thence in an easterly direction and at right angles to the center line of Congress Avenue to a point 6 feet east of the west curb line and thence in a southerly direction and parallel with the center line of Congress Avenue 46 feet to a point; thence in a westerly direction and at right angles to the center of Congress Avenue to the south east corner of the above described property; thence in a southerly direction and at right angles to the center line of West 7th Street to a point 12 feet south of the north curb line; thence in a westerly direction and parallel with the center line of West 7th Street 160 feet to a point; thence in a northerly direction and at right angles to the center line of West 7th Street to the south west corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City Officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent

sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "NO PARKING" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than March 1, 1956.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured, as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person

or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 29, 1955, for the construction of paving skips and accessories known as Paving Skip Assessment Contract Number 55-A-7, Units 1-7; and,

WHEREAS, the bid of Travis Construction Company in the sum of \$1,712.26 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Travis Construction Company in the sum of \$1,712.26 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Travis Construction Company.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the west side of Shady Lane as a private gasoline plant consisting of a 1000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is leased by Royal Crown Bottling Company, and is the James Monroe Davis 2.6 acre tract of the City of Austin, Travis County, Texas, and hereby authorizes

the said Royal Crown Bottling Company to operate a private gasoline plant consisting of a 1000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of the private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Royal Crown Bottling Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations Attached)

"Austin, Texas
December 1, 1955

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Royal Crown Bottling Company, through their agent Pat E. Hodge, for permission to operate a private gasoline plant consisting of a 1000 gallon underground tank and one pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of Shady Lane, which property is designated as James Monroe Davis 2.6 acre tract, in the City of Austin, Travis County, Texas, and locally known as 738 Shady Lane.

"This property is located in a "D" Industrial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.

"(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor asked the DEMOLAYS if there were any questions they would like to ask about the procedures of the Council. Several questions were asked and explained. Bill Day, on behalf of the Demolays, thanked the Council for its hospitality.

Councilman Long moved that $\frac{1}{2}$ day Friday, December 23rd and Monday, December 26th be set as the Christmas Holidays and Monday, January 2nd as New Year's Holiday. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The City Manager reported on the Voluntary Paving on St. Johns Avenue from Woodrow to Grover, stating 87% had been signed up. Councilman Palmer stated that Mr. Bushacker had talked with him and was unable to pave at this time, that he was on a corner and had just paved the other street, but he did not want to be skipped and then be assessed.

The City Manager reported that the County School Superintendent had requested that the City make the same charge to the County Schools for utilities as it did for the City Schools. The Mayor stated that it would have to be studied and asked that the Superintendent write a letter stating just what they wanted.

The City Manager reported that Mr. Joe Callan was not interested in an exchange of property at East 49th Street and Interregional Highway but he offered the City \$2,000 for a strip of land 175 feet long and 30 feet deep that adjoins his property. The City Manager did not recommend this. The Mayor suggested that the City appraise the property and then tell Mr. Callan what the City would take for it.

Councilman Long inquired about the Slum Clearance Ordinance and when it would be ready. The City Attorney stated it would be ready about December 15th. The Council to set a date to meet with the Greater East Austin Development

Committee when they receive the ordinance.

There being no further business the Council adjourned at 12:35 P.M.,
subject to the call of the Mayor.

APPROVED

Tom Miller.
Mayor

ATTEST:

Grace Monroe
Deputy City Clerk